



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peterson Examiner: Pillai, Namitha
Application Number: 10/716,893 Art Unit: 2173
Confirmation Number: 8694
Filing Date: November 18, 2003
Title: INTERACTIVE RISK MANAGEMENT
SYSTEM AND METHOD

DECLARATION OF ROBERT VAN EYCK

I, Robert van Eyck declare as follows:

1. I reside at 29 Lockwood Drive, Old Greenwich CT 06870 and am a citizen of the United States. I was employed by IMAG, Inc. (IMAG) in the capacity of Head of Marketing from 2002 until the time of my voluntary resignation in September, 2007. I am currently a Financial Advisor in the Private Client Group of Wachovia Securities. I presently have an equity interest in IMAG as a minority share holder of common stock. Prior to my employment at IMAG, I held management positions with banks in New York City.

2. I understand that Gary E. Peterson is named as the inventor of this application and that it has been assigned to IMAG. I also understand that the claims of this application are directed to the risk management mapping system and method that was developed under the direction of Mr. Peterson by Robert Catalano during the period between October and December of 2002.

3. Mr. Peterson, who is the inventor named in this application, was the President of IMAG during my term of employment. IMAG was engaged in consulting for

clients, including international banking and finance institutions, whose operations were subject to extensive laws, rules and regulatory schemes imposed by federal governments, state governments and regulatory authorities. In 2002, IMAG had, in addition to me, only three full-time operations employees, a receptionist, and three off-site consultants. The corporate employees at the time of the conception and development of Mr. Peterson's invention included Messrs Peterson, Robert P. Catalano, Douglas Sloan and me. The consultants were Tom Pastore, Chares Beach and Joel Talka who visited the office from time to time, but primarily worked outside of the office. Messrs Peterson, Catalano, Sloan and I all worked the same office space at 122 East 42nd Street, in New York City. The space was relatively small (about 1,800 square feet), and included a reception area, Mr. Peterson's office, a conference room, an open office layout having three active workstations, and one workstation used primarily for storage. The three active workstations were occupied by Messrs Sloan and Catalano and me. The relative small size of the company and the informal atmosphere resulted in little or no structured delineation of duties. The operating staff at IMAG performed various functions under the direction of Mr. Peterson to achieve the common goal of serving the company's clients.

4. In October of 2002, Mr. Peterson discussed with me and Mr. Catalano his concept for new multi-dimensional process maps that would be used by a client to evaluate policies and procedures and the control of risks associated with the operations of individual banks and banking departments. I observed and participated in several meetings between Messrs. Peterson and Catalano regarding this subject and was aware that Mr. Catalano was working under Mr. Peterson's direction to create a computer program to implement these multi-dimensional process maps. At its early stages, the program was called the "Enterprise Wide Risk

Schematic Diagnostic Mapping Tool.” The small office environment resulted in my being aware of Mr. Catalano’s work and the nature and purpose of the program.

5. Prior to the development of the mapping program that is the subject matter of this patent application, our deliverables to clients were in the form of written reports had descriptions of processes and the operation of the client’s business, and analyses of the risks associated with those processes. In particular, it was realized by me and the other IMAG employees that the Enterprise Wide Risk Schematic Diagnostic Mapping Tool represented a very important improvement in risk management tools for IMAG’s clients and that it had the potential for replacing the written reports.

6. During October and November of 2002, several informal meetings occurred where Messrs. Peterson, Catalano and I sat in the conference room at IMAG’s offices and viewed the program under development on the company’s laptop computer (a Hewlett Packard model with a large viewing screen) with a large powepoint projector. In addition, during the program development, I was routinely asked to view the work in progress by Mr. Catalano at his desktop computer. My role during these meetings and informal viewings was to provide input as to the look and feel and the content of the program, and critical feedback as to how a customer would consider the program.

7. Simultaneously with the development phase, Mr. Peterson directed me to plan a preliminary marketing campaign related to the system. I conducted independent research regarding its applicability to various banks and financial institutions for which we had previously provided written reports. In preliminary discussion with these existing clients, I asked them whether there would be interest in a computer-based interactive version of their existing written reports. As a result of these preliminary discussions, I ascertained that customers were indeed

interested in a visual display of the processes, procedures and associated risks related to their banking and financial institution operations.

8. No later than the first week of December 2002, I viewed an operational version of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool that was created by Mr. Catalano under the direction of Mr. Peterson. As noted above, IMAG was a small company with only four full-time employees that participated in the company projects. The company was an open office environment, and we all were aware of this project. By the beginning of December 2002, IMAG was ready to offer the program for sale as a commercial product and demonstrate the use of the program and its processes, procedures, and risk analysis capabilities and functions to its clients.

9. In the first week of December of 2002, Mr. Peterson informed me of a lunch meeting with Oliver d'Oelsnitz, General Manager, North America for DZ Bank New York Branch. DZ Bank was an existing client of IMAG and we were excited about the meeting because, from a marketing approach, we wanted to first introduce our Enterprise Wide Risk Schematic Diagnostic Mapping Tool to an existing client. However, while Mr. Peterson attended the lunch, Mr. d'Oelsnitz could not attend because of a conference call. Mr. d'Oelsnitz then set a new lunch date which took place on December 9, 2002. On the Monday after the meeting, Mr. Peterson informed Mr. Catalano and me that Mr. d'Oelsnitz was very interested in learning more about the Enterprise Wide Risk Schematic Diagnostic Mapping Tool, and a demonstration meeting at DZ Bank was scheduled for December 12, 2002.

10. As part of my marketing duties, I assisted in the preparation of this important meeting since this would be the first time we demonstrated the Enterprise Wide Risk Schematic Diagnostic Mapping Tool to a potential client in the course of a proposed project. I

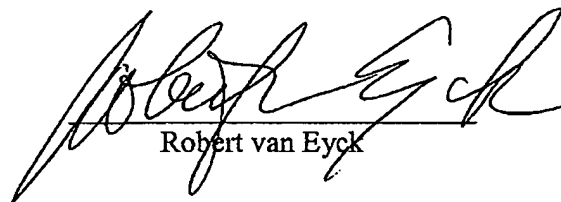
reviewed and prepared the background documentation and reviewed the Enterprise Wide Risk Schematic Diagnostic Mapping Tool demo which was going to be provided. We used a colorized version of a cover sheet for the first page of the demonstration which Mr. Catalano created showing a circular formation of issues which hyperlinked directly into the Enterprise Wide Risk Schematic Diagnostic Mapping Tool because we thought it was a good introduction page.

11. Immediately following the meeting, Mr. Peterson and Mr. Catalano told me that the demonstration of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool went very well though one of the participants, Mechtilde Boeing, favored the Enterprise Wide Risk Schematic Diagnostic Mapping Tool itself more than the circular cover page.

12. Based on this meeting, I assisted Mr. Peterson in drafting the cover letter and proposal to the Bank which was dated and sent to the Bank on December 17, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: March 3, 2009


Robert van Eyck